141

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition (C) No. 5314 of 2007

Petitioner : : Ku. Bharti Banpuriya, aged about 23 years, daughter of – Dr. Shri Brij Nandan Banpuriya, occupation – student (Passed Pre-Medical Test, Chhattisgarh – 2007), resident of House No. RES Colony, Kondagaon, Bastar (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, through the Secretary, Department of Health and Family Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Director, Medical and Health Services, Raipur (C.G.)
3. Anusuchit Janajati Praman Patra Uchha Estariya Chhanbin Samiti, through its president Pandit Ravi Shankar Shukla Vishwavidalaya Parisar, Raipur (C.G.)
4. The Chhattisgarh Professional Examination Board (Chhattisgarh Pre-Entrance Test, 2007), Raipur, through its Secretary.
5. Shri Gulshan Kumar Mandle son of Not known by petitioner, through – Dean, Medical College, Raipur.

Writ Petition under Article 226 of the Constitution of India

Present : Shri Sandeep Dubey, counsel for the petitioner.
Shri Prashant Mishra, Advocate General with Shri A.S. Kachhawaha, Government Advocate for the State.
Shri Jitendra Gupta, counsel for Chhattisgarh Professional Examination Board.

ORAL ORDER
(Passed on 27th September, 2007)

The following oral order of the Court was passed by Hon'ble Jagdish Bhalla, Ag. C.J.

The petitioner is a student who wants to pursue professional course. Though born and brought up in the State of Chhattisgarh her social status has been denied and accordingly the caste certificate granted to her has been rejected.

The petitioner impleaded respondent No.5 only to show that respondent No.5 obtained lesser marks than the petitioner and has already been admitted, but no relief has been sought against respondent No.5.

Since the admission of respondent No.5 has not been challenged by the petitioner, the matter can be decided today.

Learned Advocate General appearing for the respondents / State informs that the judgment of the learned Single Judge was wrongly interpreted and in compliance of the judgment in Writ Petition No.2510/2004 dated 04-02-2005, the Government by an order dated 02.02.2006 had kept its notification dated 06.07.2004 in abeyance. Thereafter the Government has issued another order dated 27-06-2007 wherein definition of bonafide residents of Chhattisgarh has been defined and explained which includes (i) persons belonging to the central services posted at Chhattisgarh, their spouses or children; (ii) all the employees of State of Chhattisgarh, their spouses or children; (iii) Persons appointed on Constitutional or Statutory posts by President of India, their spouses or children; (iv) Corporations, Agencies, Commissions, Board's, Officials/Officers/employees, their spouses or children. This

Government order is to benefit the petitioners-students with respect to bonafide residents of Chhattisgarh.

We are of the considered opinion that once such persons have been recognized as residents of Chhattisgarh, then the same analogy shall apply for the purpose of the admissions of children of the categories referred to hereinabove are concerned, if their caste is included in the Presidential Order.

The respondents are directed to consider the candidature of the petitioner – student afresh in the light of the observations made hereinabove, in accordance with law.

With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Acting Chief Justice

Sd/-
Satish K.Agnihotri
Judge

nimm/s.